

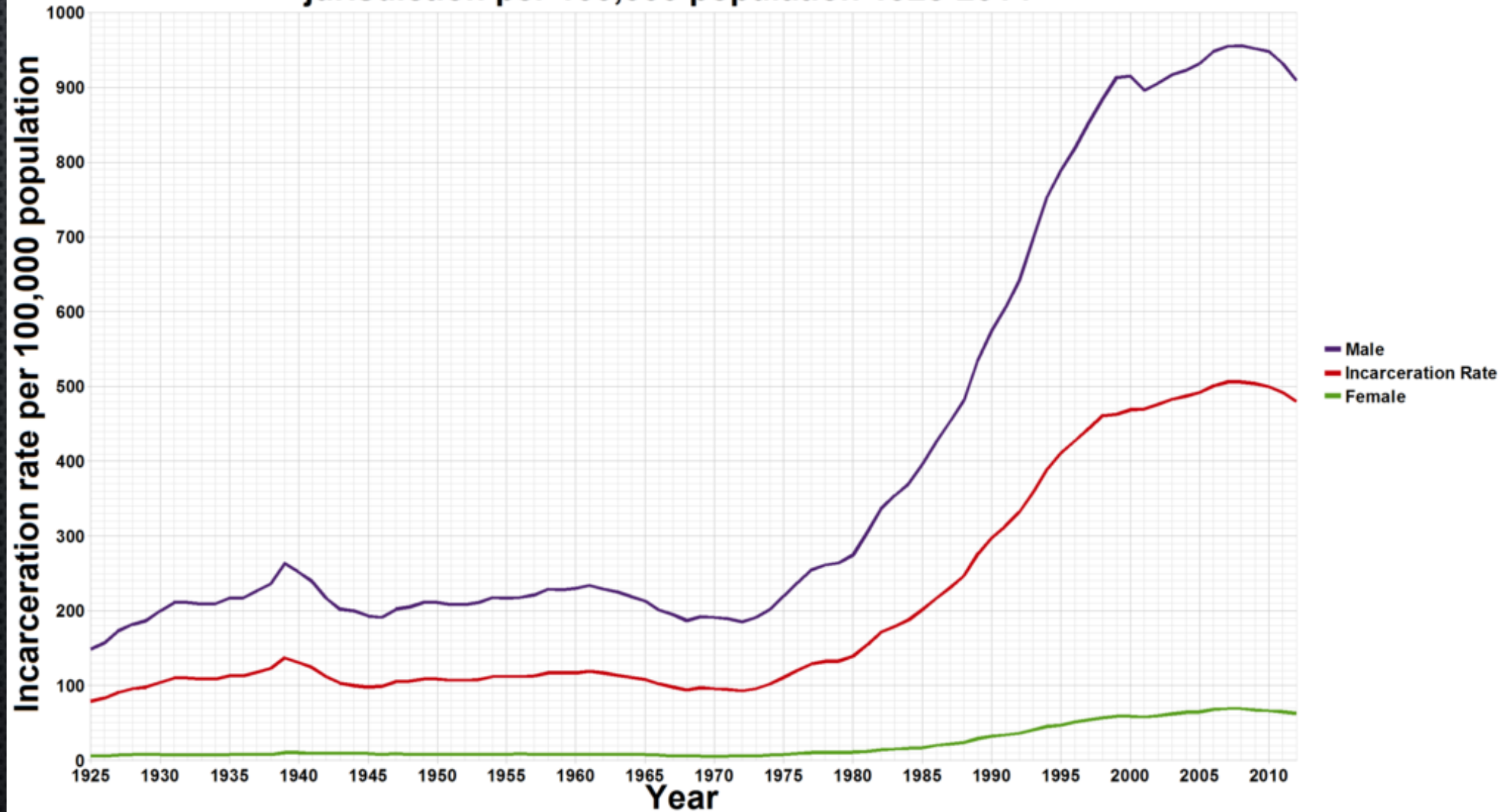
DRUG SENTENCING IN UTAH

AUGUST 6, 2018

WAR ON DRUGS

- **STARTED IN 1970s**
 - PUNISHED THE CONSUMPTION AND POSSESSION OF DRUGS
 - DOMINANT THEORY FOR DRUG POLICY SENTENCING FOR ABOUT 40 YEARS
 - “THE GLOBAL WAR ON DRUGS HAS FAILED.” – GLOBAL COMMISSION ON DRUG POLICY, 2011
 - SEN. LEE “SMART ON CRIME” FEDERAL REFORMS

Incarceration rate of inmates incarcerated under state and federal jurisdiction per 100,000 population 1925-2014



NEW APPROACH IN UTAH

- **JUSTICE REINVESTMENT INITIATIVE STARTED IN 2015**
 - KEPT PENALTIES HIGH FOR DRUG TRAFFICKING AND DRUG DEALING
 - LOWERED PENALTIES--BUT DID NOT DECRIMINALIZE--POSSESSION OR CONSUMPTION OF MOST ILLEGAL DRUGS
 - FOCUSED COST SAVINGS FROM PRISON ON SUBSTANCE ABUSE TREATMENT

DRUG PENALTY CHANGES

- **DISTRIBUTION OF A CONTROLLED SUBSTANCE**
 - Was: SECOND DEGREE FELONY (1-15 YEARS)
 - Now: SECOND DEGREE FELONY (0-15 YEARS)

DRUG PENALTY CHANGES

- **POSSESSION OF A CONTROLLED SUBSTANCE (SCHED. I OR II)**
 - WAS: THIRD DEGREE FELONY
 - NOW:
 - CLASS A MISDEMEANOR FOR 1ST AND 2ND OFFENSE
 - THIRD DEGREE FELONY FOR 3RD OFFENSE

DRUG PENALTY CHANGES

- **POSSESSION OF A CONTROLLED SUBSTANCE**
 - Was: CLASS B MISDEMEANOR
 - Now:
 - CLASS B MISDEMEANOR FOR 1ST AND 2ND OFFENSE
 - CLASS A MISDEMEANOR FOR 3RD OFFENSE

DRUG PENALTY CHANGES

- **MANUFACTURE A CONTROLLED SUBSTANCE WITH FALSE LICENSE (FORGING A LICENSE TO GET DRUGS)**
 - WAS: THIRD DEGREE FELONY
 - Now:
 - CLASS A MISDEMEANOR FOR 1ST AND 2ND OFFENSE
 - THIRD DEGREE FELONY ON 3RD OFFENSE

DRUG PENALTY CHANGES

- **FALSLY OBTAINING A PRESCRIPTION**
 - WAS: THIRD DEGREE FELONY
 - NOW:
 - CLASS A MISDEMEANOR FOR 1ST AND 2ND OFFENSE
 - THIRD DEGREE FELONY ON 3RD OFFENSE

DRUG PENALTY CHANGES

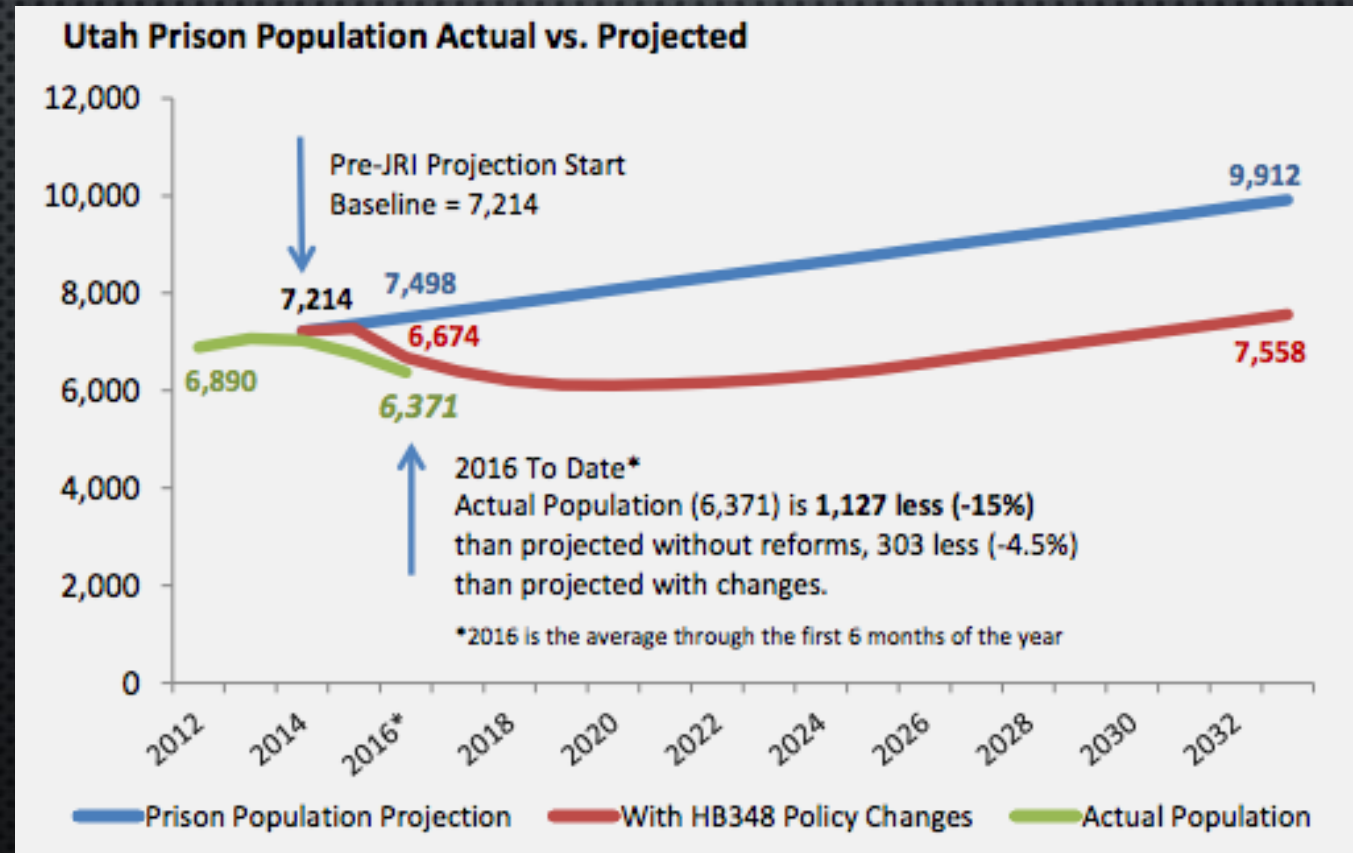
- **ALTER OR FORGE A PRESCRIPTION**
 - WAS: THIRD DEGREE FELONY
 - NOW:
 - CLASS A MISDEMEANOR FOR 1ST AND 2ND OFFENSE
 - THIRD DEGREE FELONY ON 3RD OFFENSE

LIMITED SOME ENHANCEMENTS

- **EXAMPLES:**
 - SHORTENED TIMES AND DISTANCES FOR DRUG FREE ZONES
 - PRIOR CONVICTION ENHANCEMENT HAS TO BE FROM A SEPARATE CRIMINAL EPISODE AND NO DOUBLE-DIPPING

RESULTS

- PRISON POPULATION DECLINED WITHOUT ANY NEGATIVE EFFECT ON PUBLIC SAFETY



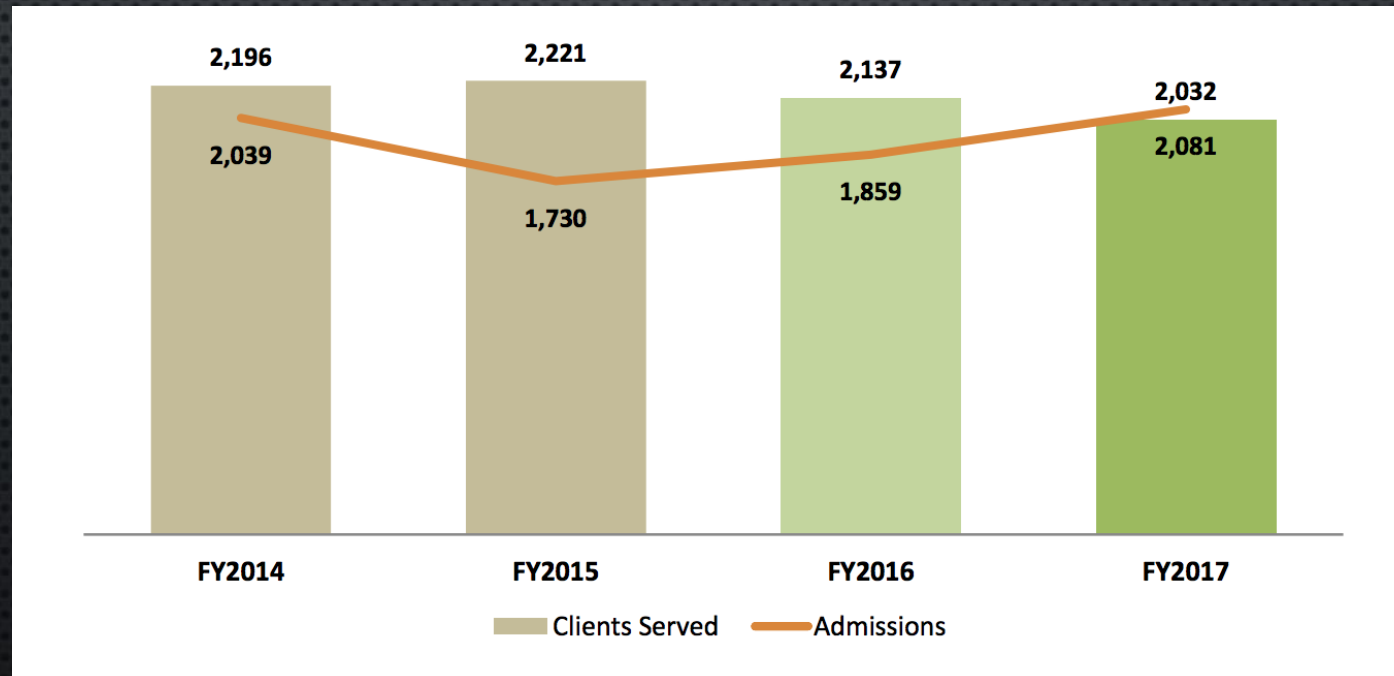
RESULTS

- **SAVINGS FOCUSED ON DRUG TREATMENT PROGRAMS**
 - INITIAL ISSUES WITH DISTRIBUTION OF FUNDS
 - NOW MILLIONS OF DOLLARS IN GRANTS ARE AVAILABLE
 - ISSUES GETTING QUALIFIED PROVIDERS TO RURAL AREAS

RESULTS

- **THRIVING DRUG COURTS**

- OTHER STATES WITH SIMILAR REFORMS HAVE REPORTED STRUGGLING DRUG COURTS, BUT NOT UTAH



UTAH DRUG COURTS

- **INCREASED FOCUS ON HIGH RISK AND HIGH NEEDS**
 - LIKELY THE REASON FOR A SLIGHT DECREASE IN NUMBER OF INDIVIDUALS (-9%) WHILE ADMISSIONS TO DRUG COURT SOARED (20%)
- **ELIGIBILITY BASED ON NEEDS/RISK, NOT OFFENSE**
 - MISDEMEANANTS QUALIFY
 - NON-DRUG RELATED CRIMES QUALIFY

RECOMMENDATIONS

- KEEP DRUG PENALTIES WHERE THEY ARE
- KEEP FOCUS ON MAINTAINING AND PROMOTING HEALTHY DRUG COURTS
- FOCUS ON TRAINING PROSECUTORS TO ENHANCE ON THIRD OFFENSE
- TRUST PROSECUTORS WHEN THEY DECIDE NOT TO CHARGE AS A FELONY